

MONTANA LEGISLATIVE HISTORY

Chapter 228 1987Bill H _____ S 249Original bill & history ☒ cH. Committee on JudiciaryHearing Date(s) 3-10 _____ c3-11 _____ c

_____ c

_____ c

Date Out 3-13 _____ cS. Committee on JudiciaryHearing Date(s) 2-10 _____ c2-12 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE FINAL STATUS

4/10 SIGNED BY SPEAKER

4/10 TRANSMITTED TO GOVERNOR

4/15 SIGNED BY GOVERNOR

CHAPTER NUMBER 477 EFFECTIVE DATE: 6/30/87

SB 247 INTRODUCED BY MEYER, BRANDEWIE, MILLER
GENERALLY REVISE SECURITY LAWS
BY REQUEST OF STATE AUDITOR AND SECURITIES
COMMISSIONER

1/29 INTRODUCED

1/29 FISCAL NOTE REQUESTED

1/29 REFERRED TO BUSINESS & INDUSTRY

2/10 FISCAL NOTE RECEIVED

2/11 HEARING

2/12 COMMITTEE REPORT--BILL PASSED AS AMENDED

2/16 2ND READING PASSED 50 0

2/18 3RD READING PASSED 50 0

TRANSMITTED TO HOUSE

2/23 REFERRED TO BUSINESS & LABOR

3/12 HEARING

3/12 COMMITTEE REPORT--BILL CONCURRED AS AMENDED

3/14 2ND READING CONCURRED 88 7

3/16 3RD READING CONCURRED 94 3

RETURNED TO SENATE WITH AMENDMENTS

3/19 2ND READING AMENDMENTS CONCURRED 50 0

3/20 3RD READING AMENDMENTS CONCURRED 49 0

3/24 SIGNED BY PRESIDENT

3/25 SIGNED BY SPEAKER

3/25 TRANSMITTED TO GOVERNOR

3/29 SIGNED BY GOVERNOR

CHAPTER NUMBER 272 EFFECTIVE DATE: 3/29/87

SB 248 INTRODUCED BY MEYER, BROWN, J., COHEN
REQUIRE INSURERS TO OFFER COVERAGE OF ROUTINE
PHYSICAL EXAMS FOR GROUPS
BY REQUEST OF STATE AUDITOR

1/29 INTRODUCED

1/29 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY

2/09 HEARING

2/17 STATEMENT OF INTENT ADOPTED

2/17 COMMITTEE REPORT--BILL PASSED AS AMENDED

2/19 REREFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
DIED IN COMMITTEE

SB 249 INTRODUCED BY BLAYLOCK
EXTEND TERMINATION OF GOVERNMENTAL TORT LIABILITY
LIMITS

1/29 INTRODUCED

1/29 REFERRED TO JUDICIARY

1/29 FISCAL NOTE REQUESTED

2/05 FISCAL NOTE RECEIVED

2/10 HEARING

2/13 COMMITTEE REPORT--BILL PASSED AS AMENDED

2/17 2ND READING PASSED 49 0

2/19 3RD READING PASSED 47 3

TRANSMITTED TO HOUSE

SENATE FINAL STATUS

2/23	REFERRED TO JUDICIARY		
3/10	HEARING		
3/13	COMMITTEE REPORT--BILL CONCURRED		
3/17	2ND READING CONCURRED	88	4
3/18	3RD READING CONCURRED	90	5

RETURNED TO SENATE
 3/23 SIGNED BY PRESIDENT
 3/24 SIGNED BY SPEAKER

3/24 TRANSMITTED TO GOVERNOR
 3/27 SIGNED BY GOVERNOR
 CHAPTER NUMBER 228 EFFECTIVE DATE: 3/27/87

SB 250 INTRODUCED BY MCLANE, MEYER, HAGER, ET AL.
 VOLUNTARY DISSOLUTION OF DOMESTIC INSURERS
 BY REQUEST OF STATE AUDITOR

1/29	INTRODUCED		
1/29	REFERRED TO BUSINESS & INDUSTRY		
2/11	HEARING		
2/12	COMMITTEE REPORT--BILL PASSED		
2/16	2ND READING PASSED	50	0
2/18	3RD READING PASSED	50	0

	TRANSMITTED TO HOUSE		
2/23	REFERRED TO BUSINESS & LABOR		
3/12	HEARING		
3/20	COMMITTEE REPORT--BILL CONCURRED		
3/28	2ND READING CONCURRED	92	2
3/30	3RD READING CONCURRED	96	1

RETURNED TO SENATE
 4/02 SIGNED BY PRESIDENT
 4/02 SIGNED BY SPEAKER

4/02 TRANSMITTED TO GOVERNOR
 4/07 SIGNED BY GOVERNOR
 CHAPTER NUMBER 389 EFFECTIVE DATE: 10/01/87

SB 251 INTRODUCED BY REGAN, ADDY
 REQUIRE CONSUMER/FAMILY MEMBER APPOINTED TO MENTAL
 DISABILITIES BOARD

1/29	INTRODUCED		
1/29	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/29	FISCAL NOTE REQUESTED		
2/06	HEARING		
2/10	FISCAL NOTE RECEIVED		
2/11	ADVERSE COMMITTEE REPORT ADOPTED	43	4

SB 252 INTRODUCED BY REGAN, HIMSL, MILES, ET AL.
 PERMIT DISABILITY INSURANCE POLICIES TO CONTAIN A
 SUBROGATION CLAUSE

1/29	INTRODUCED		
1/29	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/02	REFERRED TO JUDICIARY		
2/11	HEARING		
2/19	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	49	0
2/23	3RD READING PASSED	49	0

TRANSMITTED TO HOUSE

SENATE BILL NO. 249
INTRODUCED BY BLAYLOCK

IN THE SENATE

JANUARY 29, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 13, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 14, 1987	PRINTING REPORT.
FEBRUARY 17, 1987	SECOND READING, DO PASS.
FEBRUARY 18, 1987	ENGROSSING REPORT.
FEBRUARY 19, 1987	THIRD READING, PASSED. AYES, 47; NOES, 3.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 13, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1987	SECOND READING, CONCURRED IN.
MARCH 18, 1987	THIRD READING, CONCURRED IN. AYES, 90; NOES, 5.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 19, 1987	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

1 *Strat* BILL NO. *249*
 2 INTRODUCED BY *Blaylock*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE
 5 TERMINATION DATE FOR LIMITATION ON GOVERNMENTAL LIABILITY
 6 FOR DAMAGES IN TORT ACTIONS; RETAINING DEFINITIONAL
 7 PROVISIONS RELATING TO THE LIMITATION; AMENDING SECTION 9,
 8 CHAPTER 22, SPECIAL LAWS OF JUNE 1986; REPEALING SECTION 3,
 9 CHAPTER 22, SPECIAL LAWS OF JUNE 1986; AND PROVIDING AN
 10 IMMEDIATE EFFECTIVE DATE."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 9, Chapter 22, Special Laws of June
 14 1986, is amended to read:
 15 "Section 9. Effective dates ~~---termination-date~~. This
 16 act is effective on passage and approval~~---except-that~~
 17 ~~section-3-is-effective-July-17-1987. Sections--1--and--2--of~~
 18 ~~this-act-terminate-on-June-307-1987:~~"
 19 NEW SECTION. Section 2. Repealer. Section 3, Chapter
 20 22, Special Laws of June 1986, is repealed.
 21 NEW SECTION. Section 3. Two-thirds vote. Because this
 22 act amends and extends the effect of a statute imposing
 23 limited immunity on governmental entities, Article II,
 24 section 18, of the Montana constitution may require a
 25 two-thirds vote of the members of each house of the

1 legislature to be effective.

2 NEW SECTION. Section 4. Effective date. This act is
 3 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

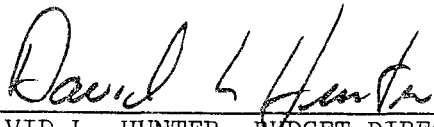
In compliance with a written request, there is hereby submitted a Fiscal Note for SB249, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act removing the termination date for limitation on governmental liability for damages in tort actions; retaining definitional provisions relating to the limitation; amending Section 9, Chapter 22, Special Laws of June 1986; repealing Section 3, Chapter 22, Special Laws of June 1986; and providing an immediate effective date.

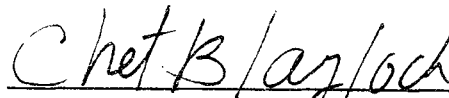
ASSUMPTIONS:

None.



DATE 2/4/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning



DATE 2/4/87

CHET BLAYLOCK, PRIMARY SPONSOR

Fiscal Note for SB249, as introduced.

SB 249

CHAIRMAN--SEN. JOE MAZUREK
NORMAL SCHEDULE==> SITE: ROOM 325

DAYS: MON THRU FRI

TIME: 10:00 A.M.

SECRETARY-MARY HUBER

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REFERRER TO COMM	DATE OUT
SB0229	1/27	2/10		PASS AS AMENDED		2/16
MAZUREK, JOSEPH P.			PROHIBIT COURT-ORDERED PLACEMENT IN COMMUNITY-BASED SERVICES			
SB0241	1/28	2/06		PASS AS AMENDED		2/20
KEATING, THOMAS F.			REVISE LAW RELATING TO FORFEITURE AND SALE OF ITEMS RELATING TO DRUG OFFENSE			
SB0249	1/29	2/10		PASS AS AMENDED		2/12
BLAYLOCK, CHET			REMOVE TERMINATION OF GOVERNMENTAL TORT LIABILITY LIMITS			
SB0252	2/02	2/11		PASS AS AMENDED		2/18
REGAN, PAT			PERMIT DISABILITY INSURANCE POLICIES TO CONTAIN A SUBROGATION CLAUSE			
SB0256	1/30	2/09		PASS AS AMENDED		2/9
JACOBSON, JUDY H.			CLARIFY SRS RESPONSIBILITY IN CUSTODY INVESTIGATIONS			
SB0258	1/30	2/09		PASS AS AMENDED		2/9
BROWN, ROBERT J.			REVISE LAWS RELATING TO TRAINING OF JUSTICES OF THE PEACE			
SB0261	2/02	2/13		PASS AS AMENDED		2/16
BROWN, ROBERT J.			INCREASE PENALTY FOR DRUG SALE TO MINOR NEAR A SCHOOL			
SB0269	2/02	2/13		TABLED		tabled on 2/16 -
KOLSTAD, ALLEN C.			GENERALLY REVISE LAW ON CORONERS			
SB0275	2/03	2/13		DO PASS		2/16
JERGESON, GREG			CONSIDER PARENTAL RESOURCES FOR MINORS APPOINTED COUNSEL IN HOMICIDE CASE			
SB0289	2/05	2/16		PASS AS AMENDED		2/16
VAN VALKENBURG, FRED			AUTHORIZE PRESIGNED EXTRADITION WAIVERS			
SB0303	2/06	2/11		PASS AS AMENDED		2/16
HALLIGAN, MIKE			REVISE PROCEDURES FOR CHILD ABUSE PROSECUTION			

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 10, 1987

The twenty-fifth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on February 10, 1987 by Chairman Joe Mazurek, in Room 325 of the state Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 37: Representative Dorothy Bradley, House District 79, Bozeman, introduced HB 37, which amends the law relating to sentencing of criminal defendants. She gave examples of a youth who was convicted of reckless driving. The court asked that he do community service as a fine, and the charge would be dismissed. She said when the youth was asked by an employer if he had ever been convicted of anything, the youth said no, which was technically right, but the employer looked up the youth's records, and the offense had never been taken off his record, and he lost the job.

PROPOSERS: Jim Haynes, Magistrates Association, supports the bill.

OPPOSERS: There were none.

DISCUSSION OF HOUSE BILL 37: Senator Halligan asked if the Magistrates are going to make the extra document for this bill and follow it closely. Rep. Bradley said it is at the magistrates request, so they must agree to it.

Senator Mazurek asked if the record of the arrest would be expunged. Rep. Bradley said she wanted the whole record clean. Jim Haynes said the magistrates wanted the complete record clean on the level of the Dept. of Justice, so if a person wanted to enter the service, his record would be clean. He didn't want to see the arrest expunged from the sheriff's department because the magistrates are not going to tell the sheriff how to handle his files.

Representative Bradley closed the hearing on House Bill 37.

Senator Crippen inquired if the family really has to take the burden of asking for the annual accounting report if the court doesn't have to ask for it. Rep. Addy asked for an example. Senator Crippen said as an example, Rep. Addy and himself are brothers and they don't like each other, but they have a dying rich father. Senator Crippen asked Rep. Addy if he (Addy) doesn't have the right as an heir to look at an annual financial report. Rep. Addy said he would go to the court to get permission to look at the report. Senator Crippen felt that is a lot of court time, where if the law is left alone, the annual report comes from the guardian without asking the court - the court just does it.

Senator Mazurek asked if the word "exception" could be included if a person over 65 wanted to enter the court and petition it, so a case could be made that an annual accounting report may not be needed in those circumstances. Rep. Addy said he would have reservations about that.

Mr. Herbert George, representing himself, said an elderly person has a difficult time getting out from underneath a guardianship.

Representative Addy closed the hearing on HB 95.

CONSIDERATION OF SENATE BILL 249: Senator Blaylock, Senate District 43, Laurel, introduced SB 249 and said it retains the limitations on governmental liability that were enacted in the June Special Session. (Exhibit 4)

PROPOSERS: John Maynard, Administration Tort Claims, said the committee should look at the actuarial report from the June Special Session minutes from this meeting and this issue. Mr. Maynard pointed out that since last June, the state has had two catastrophic injury cases brought against it. He talked of the Post Case, which the state contributed \$860,000. He also discussed another case that had a structured settlement, Hienrick vs. Eastern Montana College, to which the state contributed \$647,000. He gave other examples of the state owing a great amount because of a single case. He said most of these claims were reserved by the Tort Claims Administration. He said the 38 million reserve the Tort Claims had has decreased even though these cases were settled with the state with an amount lower than what was reserved for the case. He said the reason the 38 million reserve fund has decreased so much is the fact the state had to pick up the state automobile liability because the state could not find an insurance company to take the policy. He said the property

insurance has 5 million that is self-insured also. He stated there has been talk that the self-insured fund would go into the General Fund, leaving several agencies uninsured. He believed that every victim's right to recover is effected by the ability of the defendant to pay. He said there shouldn't be a feeling of unfairness to the victim if there is a 750,000 limit on liability.

Alex Hanson, League of Cities and Towns, said cities and towns services are all subject to potential lawsuits. He explained if a city is sued and has no liability insurance it becomes a tax burden. He said a million dollar lawsuit would double the taxes in Deer Lodge for three years if the city was uninsured. He explained the cities and towns created an insurance pool that is self-insured, by bond sellings. He felt the limits in the bill were reasonable.

Nathan Lubergen, Montana Municipal Authority, supported the bill. He explained 83 towns are involved in the self-insured program.

Bruce Moerer, Montana School Board Assn., favored the bill because schools are a high risk contender for suits.

Chris Miller, Family Physicians Clinic, talked about malpractice liability. She said there will be a 30% increase in malpractice premiums in December 1987. She said the doctors will have to become more choosy with their patients if they can't pay the increased medical costs, which are increased because of premium increases. She said many small hospitals will have to close because of the liability problem. She said it will not help the small communities who need medical health.

Alan Tandy, City of Billings, supported the bill. (Exhibit 5)

Chuck Stearns, Missoula, presented testimony from Jim Nugent, City Attorney for Montana League of Cities and Towns. (Exhibit 6)

Brooks Morin, City of Helena, favored the bill.

Gordon Morris, Montana Association of Counties favored the bill. (Exhibit 7)

OPPONENTS: Karl Englund, Montana Trial Lawyers, opposed the bill because of the limits. He said any liability limits will set someone outside of the limits, and therefore they will not be fully compensated. He wanted to

see the bill sunsetted in a year of a legislative session, so the legislature can check the progress of the bill.

DISCUSSION ON SENATE BILL 249: There was none.

Senator Blaylock closed the hearing on SB 249.

CONSIDERATION OF SENATE BILL 229: Senator Joe Mazurek, District 23, Helena, introduced Senate Bill 229. (Exhibit 8)

PROPONENTS: Dennis Taylor, Development Disabilities Division, supported the bill. (Exhibit 9)

Chris Volinkaty, Developmentally Disabled, said there are not enough services for the community. She said if the law is not changed, parents that have means and can go to court, will be placing their children in community service in front of other children on the waiting list.

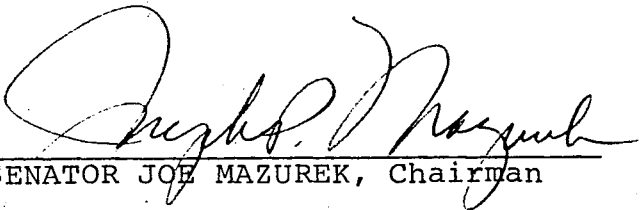
OPPONENTS: Fredrick Sherwood, Montana Advocacy Program, opposed the bill. (Exhibit 10)

Allen Smith, Mental Disabilities Board of Visitors, opposed SB 229. (Exhibit 11)

DISCUSSION ON SENATE BILL 229: There was none.

Senator Mazurek closed the hearing on SB 229.

ADJOURNMENT: The meeting adjourned at 11:55 a.m.


SENATOR JOE MAZUREK, Chairman

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb 10th

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>	X		
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

DATE Feb. 10th
Judiciary

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

PHONE: 862 - 6075

REPRESENTING WHOM? Family Physicians Clinic

APPEARING ON WHICH PROPOSAL: #249

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

the state and the public school system to meet the constitutional mandate for quality public education in Montana. As part of this recognition, the legislature desires information and plans concerning potential cost savings, particularly cost savings related to the reorganization of school administration and school districts.

(2) The legislature requests the board of public education and the superintendent of public instruction to:

(a) formulate plans and options for reorganization of the public school system that would result in cost savings; and

(b) report such plans and any required legislation to the 50th legislature.

Section 2. **Effective date.** This act is effective on passage and approval.

Approved July 10, 1986.

CHAPTER NO. 22

[SB 22]

AN ACT REVISING LIMITS OF RECOVERY IN TORT SUITS AGAINST THE STATE AND LOCAL GOVERNMENTS; AMENDING SECTION 2-9-101, MCA; REPEALING SECTIONS 2-9-106 AND 2-9-107, MCA; PROVIDING AN APPLICABILITY DATE; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-9-101, MCA, is amended to read:

"2-9-101. Definitions. As used in parts 1 through 3 of this chapter, the following definitions apply:

(1) "Claim" means any claim against a governmental entity, for money damages only, which any person is legally entitled to recover as damages because of personal injury or property damage caused by a negligent or wrongful act or omission committed by any employee of the governmental entity while acting within the scope of his employment, under circumstances where the governmental entity, if a private person, would be liable to the claimant for such damages under the laws of the state. For purposes of this section and the limit of liability contained in *(section 2)*, all claims which arise or derive from personal injury to or death of a single person, or damage to property of a person, regardless of the number of persons or entities claiming damages thereby, are considered one claim.

(2) "Employee" means an officer, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity temporarily or permanently in the service of the governmental entity whether with or

without compensation, but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which parts 1 through 3 apply in the event of a claim.

(3) "Governmental entity" means and includes the state and political subdivisions as herein defined.

(4) "Personal injury" means any injury resulting from libel, slander, malicious prosecution, or false arrest, any bodily injury, sickness, disease, or death sustained by any person and caused by an occurrence for which the state may be held liable.

(5) "Political subdivision" means any county, city, municipal corporation, school district, special improvement or taxing district, or any other political subdivision or public corporation.

(6) "Property damage" means injury or destruction to tangible property, including loss of use thereof, caused by an occurrence for which the state may be held liable.

(7) "State" means the state of Montana or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality thereof."

Section 2. Limitation on governmental liability for damages in tort. (1) Neither the state, a county, municipality, taxing district, nor any other political subdivision of the state is liable in tort action for damages suffered as a result of an act or omission of an officer, agent, or employee of that entity in excess of \$750,000 for each claim and \$1.5 million for each occurrence.

(2) No insurer is liable for excess damages unless such insurer specifically agrees by written endorsement to provide coverage to the governmental agency involved in amounts in excess of a limitation stated in this section, in which case the insurer may not claim the benefits of the limitation specifically waived.

Section 3. Section 2-9-101, MCA, is amended to read:

"2-9-101. Definitions. As used in parts 1 through 3 of this chapter, the following definitions apply:

(1) "Claim" means any claim against a governmental entity, for money damages only, which any person is legally entitled to recover as damages because of personal injury or property damage caused by a negligent or wrongful act or omission committed by any employee of the governmental entity while acting within the scope of his employment, under circumstances where the governmental entity, if a private person, would be liable to the claimant for such damages under the laws of the state. For purposes of this section, all claims which arise or derive from personal injury to or death of a single person, or damage to property of a person, regardless of the number of persons or entities claiming damages thereby, are considered one claim.

(2) "Employee" means an officer, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on

SENATE JUDICIARY

EXHIBIT NO. 4

DATE 2-10-87

FILE NO. S.B. 249

behalf of the governmental entity in any official capacity temporarily or permanently in the service of the governmental entity whether with or without compensation, but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which parts 1 through 3 apply in the event of a claim.

(3) "Governmental entity" means and includes the state and political subdivisions as herein defined.

(4) "Personal injury" means any injury resulting from libel, slander, malicious prosecution, or false arrest, any bodily injury, sickness, disease, or death sustained by any person and caused by an occurrence for which the state may be held liable.

(5) "Political subdivision" means any county, city, municipal corporation, school district, special improvement or taxing district, or any other political subdivision or public corporation.

(6) "Property damage" means injury or destruction to tangible property, including loss of use thereof, caused by an occurrence for which the state may be held liable.

(7) "State" means the state of Montana or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality thereof."

Section 4. **Repealer.** Sections 2-9-106 and 2-9-107, MCA, are repealed.

Section 5. **Codification instruction.** Section 2 is intended to be codified as an integral part of Title 2, chapter 9, parts 1 through 3, and the provisions of Title 2, chapter 9, parts 1 through 3, apply to section 2.

Section 6. **Severability.** If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. **Applicability.** This act, except section 3, applies to all claims, lawsuits, and causes of action arising after the effective date of sections 1, 2, and 4 through 9 of this act.

Section 8. **Two-thirds vote.** Since this act imposes limited immunity on governmental entities, Article II, section 18, of the Montana Constitution requires a vote of two-thirds of the members of each house of the legislature to be effective.

Section 9. **Effective dates — termination date.** This act is effective on passage and approval, except that section 3 is effective July 1, 1987. Sections 1 and 2 of this act terminate on June 30, 1987.

Approved July 10, 1986.

SENATE JUDICIARY

EXHIBIT NO. 4

DATE 2-10-87

BILL NO. S.B. 249

Mr. Chairman & Com. members - my
name is Alan Tard
from City had extended period of time with no
Legislative action during the Special
Session allowed is chance of funds
governments to fund a self ins program. Having
active restro. to fund a self ins program. Having
budget limits allowed as other ins.

Due to the actions of the leg we are
now insured & our taxpayers are
protected. Previous high but affordable
I have both sponsors & leg.

Approx
Over 50 60 cases of active
litigation against City. Several of
those are of a nature which could
exceed limits of our ins. On a Friday
about a month ago I ran into.

It is essential that we maintain
a solid ins program to protect our
Taxpayers. Extension of these limits



OFFICE OF THE CITY ATTORNEY

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

February 9, 1987

87-095

Senator Chet Blaylock
Montana State Senate
Montana State Capitol
Helena, Montana 59620

Senator Joe Mazurek, Chairperson
Senate Judiciary Committee
Montana State Capitol
Helena, Montana, 59620

Re: Support for SB 249 removing the termination date for limitation
on governmental liability for damages

Honorable Senators Blaylock and Mazurek:

On behalf of the Montana League of Cities and Towns and the City of Missoula I would like to express support for Senate Bill 249 removing the termination (sunset) date for limitation on governmental liability for damages. It is important that statutory governmental liability limits for damages be retained.

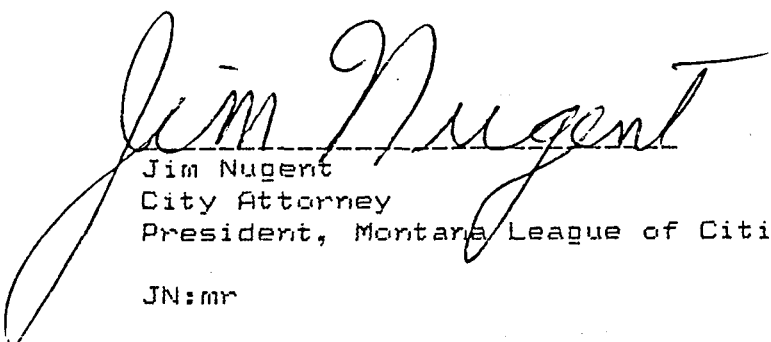
Friday, September 19, 1986 the Montana League of Cities and Towns at its annual meeting adopted a resolution expressing its commitment to maintaining the statutory limits on liability judgments against state and local governments that were adopted during 1986 at a special session of the Montana State Legislature.

It is my understanding that nearly all states in the United States have statutorily established governmental liability limits for damages and that most of those state statutorily established limits have lower maximum ceiling levels than Montana's current limits of \$750,000 per person and \$1.5 million per occurrence.

State and local governments have an important interest in preserving their respective public treasuries. This state and local government interest in preserving their respective public treasuries is closely related to and promoted by statutory classification establishing government liability damage limitations. Further, such a statutory classification also protects the public taxpayers from excessive damage claims.

The Montana League of Cities and Towns also believes that this statutory classification is both important and essential to the success of the Montana League of Cities and Towns Municipal liability insurance program that was established after private insurers began in large numbers to cancel liability insurance coverages for cities and towns.

Montana's joint and several liability law in Section 27-1-703 M.C.A. as well as the statewide voter expression of concern about property taxes as evidenced by voter passage of I-105 and strong support for CI-27 are additional factors or reasons establishing an important need for establishing a statutory classification establishing government liability damage limitations.



Jim Nugent

City Attorney

President, Montana League of Cities and Towns

JN:mr

cc: William Farrell

Mike Halligan

Bill Norman

Fred Van Valkenburg

Jack Haffey

Dick Pinsoneault

George McCallum

Alec Hansen, Montana League of Cities and Towns

Chuck Stearns, Fiscal Analyst, City of Missoula

MONTANA
ASSOCIATION OF
COUNTIES

EXHIBIT NO. 7

DATE FEB 10, 1987

BILL NO. SB 249

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

TO: Senator Joe Mazurek, Chairman
Members, Senate Judiciary Committee
Senator Blaylock, Sponsor

FROM: *Gordon Morris*
Gordon Morris, Executive Director

RE: SB 249 - Remove termination of governmental tort liability
limits

DATE: February 9, 1987

On behalf of the Montana Association of Counties I wish to indicate support for Senator Blaylock's Senate Bill 249.

Since the passage of SB 184 in the 85 Legislation Session insurance problems for local governments have continued. MACo has organized a "self-insurance fund" which currently is providing an insurance alternative for counties.

Nevertheless, local elected officials serve with the ever present fear of tort actions against them both personally and professionally. The overall climate is changing, but the failure to remove the "sunset provision" would send the wrong message to the public, the elected officials, and the insurance industry.

I therefore, urge your favorable consideration of SB 249 in the interest of local government in Montana.

GM/mrp

MACo

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 12, 1987

The twenty-seventh meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on February 12, 1987, by chairman Joe Mazurek, in Room 325 of the state Capitol.

ROLL CALL: All members were present with the exception of Senator Brown, who was excused.

CONSIDERATION OF HOUSE BILL 77: Representative Jan Brown, House District 46, Helena, introduced HB 77. (Exhibit 1)

PROPOSERS: John McRae, Child Support/DOR, said in the last legislative session, the DOR asked to get rid of the statute of limitation in this area. He said the bill allows the department to have paternity, but limits the liability in separate session. He said in this bill, the state will be able to follow the federal mandate on this subject.

OPPOSERS: There were no opposers.

DISCUSSION ON HOUSE BILL 77: Senator Halligan asked what specific language the federal agencies would want us to adopt. Mr. McRae said the federal agencies want us to establish paternity at anytime until the child is 18 years of age.

Representative Brown closed the hearing on HB 77.

CONSIDERATION OF HOUSE BILL 79: Representative Jan Brown, House District 46, Helena, introduced HB 79. (Exhibit 2)

PROPOSERS: John McRae, DOR, said the federal agencies have asked us to enforce the health insurance policy issue which involves children that should be covered. He said this enforcement policy makes the department go to district

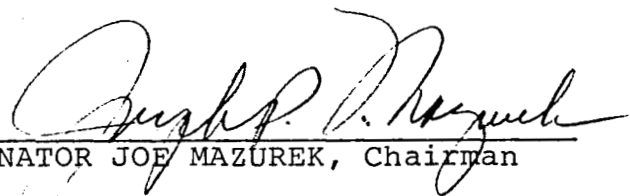
ACTION ON SENATE BILL 249: Senator Blaylock suggested sunsetting the bill after 4 years.

John Maynard, Tort Claims, said it would help the bill.

Senator Blaylock presented the committee with amendments to the bill. (Exhibit 8) Senator Blaylock moved the amendments. The motion carried.

Senator Blaylock moved the bill DO PASS AS AMENDED. The motion carried.

ADJOURNMENT: The meeting adjourned at 12:15 p.m.



SENATOR JOE MAZUREK, Chairman

mh

SB249 is amended to read:

1. Title, line 4.

Following: " "AN ACT"

Strike: "REMOVING"

Insert: "EXTENDING"

2. Title, lines 6 and 7.

Following: "ACTIONS;" on line 6

Strike: the remainder of line 6 through "LIMITATION;" on line 7

3. Title, lines 8 and 9.

Following: "1986;" on line 8

Strike: the remainder of line 8 through "1986;" on line 9

4. Page 1, line 15.

Following: "date"

Insert: "- - termination date"

5. Page 1, line 17.

Following: "1987"

Strike: "."

6. Page 1, line 18.

Following: "1987."

Insert: ", except that section 3 is effective July 1, 1991.
Sections 1 and 2 of this act terminate on June 30, 1991."

7. Page 1, lines 19 and 20.

Strike: section 2 in its entirety

Renumber: subsequent sections

C:\LANE\WP\AMDSB249.

SENATE JUDICIARY

EXHIBIT NO. 8

DATE 2-12-87

BILL NO. S. B. 249

STANDING COMMITTEE REPORT

SCRSB249

.....February 12,..... 89.....

MR. PRESIDENT

Judiciary

We, your committee on.....

Senate Bill

249

having had under consideration..... No.....

first

white

reading copy (.....)

color

REMOVE TERMINATION OF GOVERNMENTAL TORT LIABILITY LIMITS

Respectfully report as follows: That.....Senate Bill..... No...249.....

BE AMENDED AS FOLLOWS:

1. Title, line 4.

Following: "AN ACT"

Strike: "REMOVING"

Insert: "EXTENDING"

2. Title, lines 6 and 7.

Following: "ACTIONS;" on line 6

Strike: the remainder of line 6 through "LIMITATION;" on line 7

3. Title, lines 8 and 9.

Following: "1966;" on line 8

Strike: the remainder of line 8 through "1986;" on line 9

4. Page 1, line 15.

Following: "date"

Insert: "- - termination date"

5. Page 1, line 17.

Following: "1987"

Strike: "."

6. Page 1, line 19.

Following: "1987;"

Insert: ", except that section 3 is effective July 1, 1991.

Sections 1 and 2 of this act terminate on June 30, 1991."

~~XXXXXX~~

DO NOT PASS

~~XXXXXXXXXX~~

DO NOT PASS

~~PASS~~

CONTINUED

Chairman.

February 12

87

19.....

7. Page 1, lines 19 and 20.
Strike: section 2 in its entirety
Renumber: subsequent sections

AND AS AMENDED
DO PASS

.....
Senator Mazurek

STATUS SHEET

50th LEGISLATIVE SESSION

JUDICIARY

COMMITTEE

SENATE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
181		3/13/87								3/24/87	
189		3/9/87								3/19/87	
190		3/9/87	tabled 3/10/87							reconsidered 4/8/87	
195		3/9/87						3/10/87			
214		3/11/87						3/13/87			
223		3/18/87						3/23/87			
225		3/6/87						3/10/87			
226		3/16/87								3/23/87	
229	3/3/87	3/12/87	tabled 3/23/87					reconsidered 3/26/87			
241		3/16/87								3/23/87	
249		3/10/87						3/13/87			
254		3/10/87	tabled 3/11/87								
256		3/4/87	3/4/87					3/4/87			
257		3/16/87						3/25/87			

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 10, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on March 10, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Grady who was absent.

EXECUTIVE SESSION:

SENATE BILL NO. 24: Rep. Brown moved that SB 24, BE NOT CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED 10-5. SB 25, BE NOT CONCURRED IN.

SENATE BILL NO. 25: Rep. Brown moved to reconsider action on SB 25. Rep. Gould stated certain people he has spoken to feel this is a good bill. Rep. Brown pointed out that his problem with the bill is that we have always maintained the distinction between what is done within the family and what is done outside the family. This is a protection for the bartender but he said that he just does not see the need for passing this bill. Rep. Keller stated that children start drinking too young and this is just another way to start children off drinking. This bill might discourage parents from encouraging drinking at a young age. Rep. Bulger agreed with Rep. Brown. He said there was not any testimony insisting there was an active problem. Rep. Daily acknowledged there is just too much legislation and here is a case where a problem has been created by such a bill. Question was called and a voice vote was taken on the motion to reconsider. The motion CARRIED 10-7. Rep. Brown moved that SB 25, BE NOT CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED 9-7. SB 25, BE NOT CONCURRED IN.

SENATE BILL NO. 119: Rep. Brown moved that SB 119 BE CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED unanimously. SB 119, BE CONCURRED IN.

SENATE BILL NO. 190: Rep. Mercer stated there are serious concerns regarding this bill and it needs a new approach. Rep. Addy moved to TABLE the bill. Question was called and a voice vote was taken. The motion CARRIED 16-1, with Rep. Miles dissenting. SB 190, TABLED.

possibility, to compel reasonable men to sit down and settle their disputes without leaving it to the wide and varied jury awards. He closed the hearing on SB 58.

SENATE BILL NO. 254: Senator Walker, District No. 20, stated SB 254 is an act that provides that the offices of the Security Commissioner is a criminal justice agency. The reason for this legislation is that the State Auditor's office currently uses subpoenas for security fraud and investigation and in order for them to set aside those records and put them under lock and key to keep them private in nature, they must be declared a criminal justice agency. The Governor considers them a criminal justice agency but in order to fund their office more sufficiently, they would like to have this put into statute.

PROPOSERS: KIM SCHULKE, State Auditor's Office, stated the Department does not wish to continue to seek an executive order at the beginning of each gubernatorial term. Instead, the Department would like the certainty that it may continue to 1) keep criminal investigation files confidential and 2) share criminal investigative information with other criminal justice agencies only. Without these confidentiality and dissemination restrictions, the Department would be unable to effectively investigate criminal violations of the Securities Act. Statutory authority to operate as a criminal justice agency will help to accomplish that goal. She submitted written testimony. (Exhibit A). She also submitted letters from three County Attorney's that are in support of SB 254. (Exhibits B-D).

OPPOSERS: None

QUESTIONS (OR DISCUSSION) ON SENATE BILL 254: Rep. Hannah asked Ms. Schulke why they do not want to be under the executive order and she stated that when a new Governor comes into office, there is a lag between the effectiveness of the current executive orders and those that the new Governor would have. The lag causes problems in obtaining information.

Senator Walker closed the hearing on SB 254.

SENATE BILL NO. 249: Senator Blaylock, District No. 43, acknowledged this bill extends the time for the limitation for state liability, county, school district and city. Since the passage of SB 184 in the 1985 session, insurance problems for local government have continued. The cities of Montana have had to form their own insurance companies, in effect, and have gone under that in providing an insurance alternative. The time limit has expired and this bill extends it for four years.

PROPOSERS: JOHN MAYNARD, Tort Reform Division of the State of Montana, stated this bill is very fair and rational and he urged support of the bill.

GORDON MORRIS, Montana Association of Counties, explained the local elected officials serve with the ever present fear of tort actions against them both personally and professionally. The overall climate is changing, but the failure to remove the "sunset provision" would send the wrong message to the public, the elected officials, and the insurance industry. He urged a favorable consideration on SB 249 in the interest of local government in Montana. He submitted written testimony. (Exhibit A).

ALEX HANSON, Montana League of Cities and Towns, stated that this bill is absolutely necessary to the continued functioning of our liability self-insurance pool.

JIM VAN ARSDALE, Mayor of the City of Billings, stated this bill helps and fills a void in the City of Billings to have this limit of liability. It is a security blanket and please pass this bill.

BRUCE W. MOERER, Montana School Board Association, acknowledged this is a fair and reasonable bill. He urged support for this legislation.

OPPOSERS: KARL ENGLAND, Montana Trial Lawyers Association, stated he rises as an opponent basically because any limits create a class of people who are going to be hurt at the hands of the state or local government and who are not going to be compensated fully. The injuries that the limits do not take care of, will cause some hurt people to suffer. Mr. England pointed out that in the Senate, the Association asked for, and was successful in getting, the sunset for four years. He stated the purpose of this was to allow the legislature to continue to look at this to be sure that the class of persons are indeed small or maybe nonexistent. Also, as a justification, so that the limits are supportable in court by the state.

QUESTIONS (OR DISCUSSION) ON SENATE BILL 249: Rep. Eudaily questioned Senator Blaylock in regard to a technical problem on page 1 of line 20. He asked about the termination date being June 30, 1991, and wondered if line 19, made it a reinstatement as of July 1, 1991. Senator Blaylock stated this stays in effect until June 1, and then reverts to the previous wording. Rep. Eudaily also asked about the language used in page 2, line 1, using the word "may" in requiring a two-thirds vote. Senator Blaylock stated he assumed the drafter figured this may be considered as an amendment. Chairman Lory asked Mr. MacMaster to answer Rep.

Eudaily's question. He pointed out that in Chapter 22 of the special session, that is being amended, where the limits were set; the two-thirds vote provision said, "that since this act imposes limited immunity on governmental entities, Article 2, section 18, of the Montana Constitution requires a vote of two-thirds from the members of each House." The drafter may have decided that it is not clear whether this bill amends Chapter 22 and it is not clear if it requires a two-thirds vote. Mr. MacMaster stated he thinks it does require a two-thirds vote. Senator Blaylock closed the hearing on SB 249.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 11:28 a.m.



EARL LORY, Chairman

DAILY ROLL CALL

JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 10, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)		✓	
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

**MONTANA
ASSOCIATION OF
COUNTIES**

34 H
3-10-87
SB # 249
1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

TO: Representative Earl Lory, Chairman
Members, House Judiciary Committee
Senator Blaylock, Sponsor

FROM:  Gordon Morris, Executive Director

RE: SB 249 - Remove termination of governmental tort liability
limits

DATE: March 10, 1987

On behalf of the Montana Association of Counties I wish to indicate support for Senator Blaylock's Senate Bill 249.

Since the passage of SB 184 in the 85 Legislation Session insurance problems for local governments have continued. MACo has organized a "self-insurance fund" which currently is providing an insurance alternative for counties.

Nevertheless, local elected officials serve with the ever present fear of tort actions against them both personally and professionally. The overall climate is changing, but the failure to remove the "sunset provision" would send the wrong message to the public, the elected officials, and the insurance industry.

I therefore, urge your favorable consideration of SB 249 in the interest of local government in Montana.

GM/mrp

MACo

VISITORS' REGISTER

JUDICIARY

COMMITTEE

SENATE
BILL NO.249

DATE

March 10, 1987

SPONSOR

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Bruce L. Meier	SSBA	✓	
Brookes Morin	City of Helena	✓	
Kay Foster	Billings Chamber	✓	
William Arsdale	City of Billings	✓	
John Maynard	Tort Claims / Admin.	✓	
Jeff Pester	Blue Sky High		
Dance Ness	Rudyard		
Kathy Solim	Rudyard		
Scott Stuart Sacher	Hengliam	—	—
Gordon Mills	MA Co	✓	
Ted Rollins	ASARCO, INC.	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 11, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on March 11, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present.

EXECUTIVE SESSION:

ACTION ON SENATE BILL NO. 58: Rep. Brown moved that SB 58 BE NOT CONCURRED IN. Rep. Addy agreed with the motion stating the juries are very smart. Rep. Mercer pointed out that perhaps juries should not be put in a situation that forces them to choose something that they may feel is not just. Rep. Lory asked Rep. Addy if all damage judgement cases must go to a jury trial. He stated that typically, plaintiff's do not ask for a jury trial but defendant's always ask for one. Rep. Lory made a substitutive motion to amend the bill by inserting "it shall apply only to nonjury trials". Rep. Miles stated she opposed the amendment because she would rather see both parties turn in a reasonable agreement. Rep. Bulger requested someone clarify the arguments in favor of the bill. Rep. Addy pointed out, as he understands it, we cannot trust the juries in a civil case anymore. We have to restrict their discretion to two choices, otherwise, they are runaway juries. Question was called and a voice vote was taken. The motion CARRIED 11-7. Rep. Lory moved that SB 58 BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion FAILED 7-6. Rep. Mercer made a substitutive motion to TABLE the bill. Question was called and a voice vote was taken. The motion CARRIED unanimously. SB 58 TABLED.

ACTION ON SENATE BILL NO. 249: Rep. Addy moved that SB 249, BE CONCURRED IN. Rep. Mercer moved the amendments because the bill did not show a good enough argument for economic damages. Rep. Addy pointed out that such an amendment would take the caps off and would strike at the heart of the purpose of the bill. Rep. Brown said he liked the bill the way it was. Rep. Mercer stated he could reword the amendment so it only affects the caps. He moved to withdraw the amendment. Rep. Brown requested the bill be held in committee so that it could be worked on. SB 249 still in committee as of this date.

DAILY ROLL CALL
JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 11, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 13, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on March 13, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Grady and Hannah who were absent.

EXECUTIVE SESSION:

ACTION ON SENATE BILL NO. 249:

Rep. Mercer moved SB 249 BE CONCURRED IN. He stated he spoke to many people in regard to this bill especially to lowering the limits because property damages can be treated differently from personal injury damages. He recommended the bill be concurred in as it now stands. Question was called and a voice vote was taken. The motion CARRIED 11-3, with Reps. Cobb, Miles and Brown dissenting. SB 249 BE CONCURRED IN.

ACTION ON SENATE BILL NO. 20:

Rep. Mercer moved that SB 20 BE CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED unanimously. SB 20 BE CONCURRED IN.

ACTION ON SENATE BILL NO. 104:

Rep. Gould moved that SB 104 BE CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED 11-3, with Reps. Miles, Strizich and Bulger dissenting. SB 104 BE CONCURRED IN.

ACTION ON SENATE BILL NO. 40:

Rep. Bulger moved SB 40 BE CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED unanimously. SB 40 BE CONCURRED IN.

ACTION ON SENATE BILL NO 214:

Rep. Daily moved that SB 214 BE NOT CONCURRED IN. Rep. Mercer stated this bill needs some clarification. Rep. Gould pointed out that SRS does not want to have to take every child given to them. Rep. Daily stated if a child is

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 13, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)		✓	
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)		✓	
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

STANDING COMMITTEE REPORT

MARCH 13,

87

19

JUDICIARY

Mr. Speaker: We, the committee on

report **SENATE BILL NO. 249**

☐ do pass
☐ do not pass

☒ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

THP
THIRD

reading copy (**BLUE**)
color

REP. ADDY TO CARRY BILL!